

1723

LAW OFFICES
KILYK & BOWERSOX, P.L.L.C.
Intellectual Property Law

LUKE A. KILYK* (PA, DC)
LEONARD D. BOWERSOX
ARASH BEHRAVESH* (MA)
JASBIR SINGH
MATTHEW T. GILL

Of Counsel:
WILLIAM CHARLES JAMISON
SAMUEL P. BURKHOLDER* (PA, DC, NJ)

**53 A East Lee Street
WARRENTON, VA 20186**

TEL.: (540) 428-1701
FAC.: (540) 428-1720
(540) 428-1721

FAIRFAX OFFICE
3603-E Chain Bridge Road
Fairfax, Virginia 22030

Email: lkilyk@kbpattentlaw.com
Website: <http://www.kbpattentlaw.com>

*Admitted only in states indicated

PLEASE DIRECT CORRESPONDENCE TO OUR WARRENTON OFFICE

FACSIMILE TRANSMISSION COVER SHEET

DATE: April 22, 2004

TO: Examiner Krishnan S. MENON
Group Art Unit 1723
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Unofficial

RE: U.S. Patent Application No. 09/996,505
Entitled: CARTRIDGES USEFUL IN CLEANING DIALYSIS SOLUTIONS
Our Ref.: 3192-002

FROM: Luke A. Kilyk, Esq.

FAC. TEL. NO.: 1-571-273-1143

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 2

Dear Examiner Menon,

Attached are the issues/points we wish to discuss in the interview. We would appreciate it if you could meet with us at your office, on Wednesday April 28, 2004, at 3:00 p.m., to discuss the attached issues/points.

We would also greatly appreciate the presence of the SPE at the meeting, if possible.

Please let us know if the selected time and date would be convenient for you and the SPE.

If you have any questions, please do not hesitate to contact us.

THE INFORMATION CONTAINED IN THIS MESSAGE IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. This message may also be an attorney/client communication which is privileged and confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by calling us collect and return the original message to us at the above address by mail. Thank you.

U.S. Patent Application No. 09/996,505

Unofficial

Interview with Examiner Menon dated April 28, 2004

- Polak et al. only describes a mixture of MGP and SZC, and not layers. (The Examiner, in the Office Action indicates that Polak et al. does not disclose layers comprising SZC).
- Polak et al. does not teach or suggest the use of ZrP with SZC. Moreover, a blend or mixture of ZrP with SZC will cause high level of phosphate leakage and rapid uncontrolled reaction that produces CO₂ gas. Therefore, one skilled in the art would not substitute the MGP of Polak et al. with ZrP.
- Polak et al. discourages the use of ZrP due to its disadvantages mentioned at col. 3, lines 11-36 and col. 4, lines 38-48 of Polack et al.
- No motivation in the cited references exists to replace the HZO of the REDY cartridge with SZC.
- The order of layers needed in some of the claims is not taught or suggested in the cited art. The Examiner is inappropriately relying on the present application to argue the rejection.
- The SZC and the ZrP layers of the claimed invention preferably function to adjust the Na⁺ and bicarbonate of the regenerated dialysate; however, the zirconium carbonate in Potts is not used as an ion-exchange material, instead it is used as a precipitating agent.
- The zirconium carbonate in Potts is a soluble salt; therefore, it cannot form a layer in a sorbent cartridge.
- Polak et al. teaches away from Marantz et al. by replacing the ZrP with MGP. Therefore, the two references are not combinable.
- Tawil et al. describes a ZrP having a grain size of at least 30 microns. Polak et al. teaches away from using ZrP by replacing the ZrP with MGP.